

IDAHO BOARD OF MASSAGE THERAPY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 5/22/2017

BOARD MEMBERS PRESENT: Paul J Weston - Chair
Gail L King
Carla Anne Steen
Linda A Chatburn

BOARD MEMBERS ABSENT: Deborah A Karren

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel
Dicsie Gullick, Management Assistant

OTHERS PRESENT: Kris Ellis, NWCCF
Crystle Adams, Licensed Massage Therapist
Randy Young, Manager of Massage Envy
Megan Fink, Idaho School of Massage Therapy
Anthony Catalano, ISMT
Cynthia Mason, ISMT
Katie Williams, ISMT

The meeting was called to order at 8:33 AM MDT by Paul J Weston.

APPROVAL OF MINUTES

Ms. King made a motion to approve the minutes of 03/27/2017 and 04/06/2017. It was seconded by Ms. Steen. Motion carried.

LEGISLATIVE REPORT

Mr. Toryanski gave the legislative report. The deadline to submit legislative ideas to the Governor's Office is July 14 and the deadline to submit proposed legislation and rule changes to the Governor's Office is August 18 for the 2018 Legislative Session.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$283,708.13 as of 04/30/2017.

DISCIPLINE

Ms. Uranga presented a memorandum regarding case number MAS-2017-21. After discussion, the Board gave recommendations for appropriate discipline.

Ms. Uranga presented a Stipulation and Consent Order in case MAS-2017-6. Ms. King made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Steen. Motion carried.

Ms. Uranga presented a Stipulation and Consent Order in case MAS-2017-13. Ms. King made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Steen. Motion carried.

Ms. Uranga presented a Stipulation and Consent Order in case MAS-2017-14. Ms. King made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Steen. Motion carried.

Ms. Uranga presented a Findings of Fact, Conclusions of Law and Final Order for case MAS-2017-2. Ms. King made a motion to approve the Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Steen. Motion carried.

Ms. Uranga presented a Findings of Fact, Conclusions of Law and Final Order for case MAS-2017-9. Ms. King made a motion to approve the Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Steen. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. King made a motion to approve the Bureau's recommendation and authorize closure in cases MAS-2016-14 & MAS-2016-31. It was seconded by Ms. Steen. Motion carried.

Ms. Peel presented Findings of Fact, Conclusions of Law and Final Order for case MAS-2017-4. Ms. King made a motion to approve the Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Steen. Motion carried.

Ms. Peel presented Settlement Orders Re: Continuing Education in the cases MAS-2017-19, MAS-2017-22, MAS-2017-24 and MAS-2017-25. Ms. King made a motion to approve the Orders and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Steen. Motion carried.

OLD BUSINESS

To Do List – The Board reviewed the to do list.

IMPLEMENTATION OF LAW AND RULE CHANGE

There was no discussion or action taken.

VERBIAGE TO UPDATE WEB AND POSTCARD

Ms. Cory discussed the draft of the postcard to send to licensees regarding the proposed laws and rules that were presented to the legislature this year. Ms. King made a motion to approve the expenses to send postcards as written to all current licensees. It was seconded by Ms. Steen. Motion carried.

FAQ REGARDING CURRICULUM

Ms. Hall discussed the draft of the Frequently Asked Questions regarding curriculum and temporary licenses. Ms. King made a motion to approve the FAQ as written and direct the Bureau to post it to the Board's webpage.

TRANSCRIPTS REQUIRED FOR ENDORSEMENT APPLICATIONS

The Board discussed the requirement for endorsement applicants from certain states to send transcripts with their applications. Ms. King made a motion to remove Washington, Colorado and Utah from the list of states from which transcripts are required.

APPROVAL OF PROVISIONAL PERMITS AND TEMPORARY LICENSES

The Board discussed whether applications from provisional permit holders who are applying for temporary licenses need to be reviewed by the Board Chair. The Board Chair reviews applications for provisional permits and the only item missing from the application at that time are test scores. Once the test scores are received by the Bureau they are eligible to apply for a temporary license. Ms. King made a motion to allow the Bureau to process temporary licenses for those applicants who already possess a provisional permit after their scores are received. It was seconded by Ms. Steen. Motion carried.

NEW BUSINESS

NEXT MEETING was scheduled for July 31, 2017 at 8:30 AM MDT. A conference call was also scheduled for June 26, 2017 at 9:00 AM MDT.

PUBLIC COMMENT

Ms. Mason asked for clarification of the tuition work-off program, specifically if those students in the tuition work-off program need to receive a provisional permit or temporary license. The Board explained that a provisional permit or temporary license is not required for students in the tuition work-off program.

Ms. Adams discussed her experience taking the Massage & Bodywork Licensing Examination (MBLEX). She felt the MBLEX did not cover what is needed for massage therapists. She asked how the Federation of State Massage Therapy Boards (FSMTB) came into existence and how it put together the exam. The Board Chair explained that what triggered the establishment of the FSMTB is that the National Certification Board for Therapeutic Massage and Body Work (NCBTMB) had a track record for poor customer service so the Associated Body Work and Massage Professionals (ABMP) put up the funding to create the FSMTB. Two years ago there was an agreement that NCBTMB would not create or use a state examination and that would be the responsibility of FSMTB.

Ms. Fink discussed what she has been doing with the state police to deal with dangerous/inappropriate clients and wanted to know if there was anything else in place such as continuing education. She is working on a training protocol for dealing with dangerous/inappropriate clients.

Mr. Young asked for clarification on the length of time a licensee can hold provisional permits and temporary licenses. He also thanked the Board for providing the new license types.

PENDING APPLICATIONS/CALIFORNIA SCHOOLS

Ms. Gullick discussed how the Board has been dealing with applicants who attended massage therapy schools in California that have neither been approved or unapproved. The Board agreed to look at the applications that had been tabled because of the status of the school.

CERTIFICATE OF PROFESSIONAL EDUCATION

The Board discussed the Certificate of Professional Education that is available on the Board's website. Ms. King made a motion to remove the Certificate of Professional Education from the website as with temporary and provisional permits it is no longer needed. It was seconded by Ms. Steen. Motion carried.

PUBLIC COMMENT

Ms. Ellis asked the Board what their response is to the Lieutenant Governor's Executive Order. Ms. Cory explained that the Licensing Freedom Act Review of State Licensing Requirements was issued on Friday and a copy of it was provided to the Board. Mr. Weston said the Board would review it at future Board meetings.

FEDERATION OF STATE MASSAGE THERAPY BOARDS (FSMTB) EXECUTIVE DIRECTOR'S SUMMIT REPORT

Ms. Gullick gave a report on the FSMTB Executive Director's meeting in Kansas City, Missouri.

FSMTB ANNUAL DUES

The Board discussed the annual dues for FSMTB. Ms. Steen made a motion for the Bureau to pay the annual dues for membership in FSMTB. It was seconded by Ms. King. Motion carried.

FSMTB ANNUAL MEETING

The Board discussed the upcoming FSMTB annual meeting in September. Ms. King made a motion to send the Chair and a Bureau representative to the meeting. It was seconded by Ms. Steen. Motion carried.

CORRESPONDENCE

The Board reviewed correspondence from FSMTB regarding the closure of the Rosel School of Massage Therapy in Chicago, Illinois. No action was taken.

The Board reviewed correspondence from FSMTB regarding the invalidation of certain MBLEX test scores. No action was taken.

The Board reviewed correspondence from Lydia Benson regarding the Commission on Massage Therapy Accreditation (COMTA). Ms. King made a motion to direct the Bureau to forward the correspondence to Mr. Freeman at the State Board of Education. It was seconded by Ms. Steen. Motion carried.

The Board reviewed correspondence from Susan McClellan with North Idaho Massage Academy regarding clinical hours. Ms. King made a motion for the Bureau to draft a letter in response for Board Chair signature outlining rules regarding clinical hours. It was seconded by Ms. Steen. Motion carried.

The Board reviewed correspondence from Collette Moss regarding compensation of graduates and the tuition work off program. Ms. King made a motion for the Bureau to draft a letter in response for Board Chair signature

outlining the laws and rules for supervision and tuition work off program. It was seconded by Ms. Steen. Motion carried.

The Board reviewed correspondence from Ms. Mason regarding the tuition work off program. This subject was discussed during the public comment period. No further action was taken.

The Board reviewed correspondence from Ms. Mason regarding the merger of two massage school programs. No action was taken.

The Board reviewed correspondence from Chelsea Stilman regarding the use of a tool called the FasciaBlaster. Ms. King made a motion to direct the Bureau to draft a response stating that the Board does not regulate tools. It was seconded by Ms. Steen. Motion carried.

The Board reviewed correspondence from Steven Papier regarding the Citizen Advocacy Center's Annual Meeting. No action was taken.

The Board reviewed correspondence from the California Massage Therapy Council regarding a new policy for unapproved schools. No action was taken.

The Board reviewed correspondence from FSMTB regarding their April newsletter. No action was taken.

The Board reviewed correspondence from FSMTB regarding their May newsletter. No action was taken.

The Board reviewed correspondence from Daniel Larson regarding vasopneumatic devices being used within the scope of practice of massage therapists. Ms. King made a motion to direct the Bureau to draft a response citing the definition and prohibition sections of the law. It was seconded by Ms. Steen. Motion carried.

The Board reviewed correspondence from Steve Mann regarding the legality of massaging breast tissue for those patients who have had mastectomies or lumpectomies. Ms. King made a motion to direct Mr. Ellsworth to respond citing the definition of massage therapy. It was seconded by Ms. Steen. Motion carried.

The Board reviewed correspondence from Susan Beck regarding the Commission on Massage Therapy Accreditation. Ms. King made a motion to direct the Bureau to forward the email to the State Board of Education. It was seconded by Ms. Steen. Motion carried.

EXECUTIVE SESSION

Ms. King made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Steen. The vote was: Ms. King, aye; Ms. Steen, aye; and Mr. Weston, aye. Motion carried.

Ms. Chatburn joined the meeting at 4:20 PM MDT.

Ms. King made a motion to come out of executive session. It was seconded by Ms. Steen. The vote was: Ms. King, aye; Ms. Steen, aye; Ms. Chatburn, aye; and Mr. Weston, aye. Motion carried.

APPLICATIONS

Ms. Steen made a motion to approve the following for licensure:

CASPERS LACIE MORGAN

MASA-3208

It was seconded by Ms. Chatburn. Motion carried. Ms. King recused herself from voting and discussion.

Ms. Steen made a motion to approve the following for licensure pending receipt of documents:

#901151959

#901151852

It was seconded by Ms. Chatburn. Motion carried. Ms. King recused herself from voting and discussion.

FOR BOARD DETERMINATION

Ms. King made a motion to approve the Bureau's recommendation and authorize closure in case MAS-2016-33. It was seconded by Ms. Steen. Motion carried. Ms. King recused herself from voting and discussion.

Ms. Cory discussed with the Board complaints of unlicensed practice. Ms. King made a motion to let complainants know that complaints regarding unlicensed practice should be directed to the county prosecutor. It was seconded by Ms. Steen. Motion carried.

APPLICATIONS

Ms. King made a motion to approve the following for licensure:

AI JIANCHENG	MASA-3141
ATTARIAN ANN ELIZABETH	MASA-3183
BELL JENNIFER	MASA-3204
BOTTOMLY AUDREY LYNN	MASA-3169
BRUDERER TEA ROCHELLE	MASA-3189
BRYAN JANET CLARK	MASA-3212
CARLSON KENDRA JANE	MASA-3198
DICKERSON MEE	MASA-3190
DOWNER JOANNA	MASA-3207
DRAIN MALLORY ELEN	MASA-3152
FULFORD JERRY WALLACE	MASA-3182
GATTO KELSEY ROSE	MASA-3191
GENTON PATRICIA LYNN JOICE	MASA-3180
HUDGINS SHIRLEY KIM	MASA-3188
LAYTON NOVA ORION	MASA-3193
NELSON ADAM CHAD	MASA-3176
POWELL SUSAN RAE	MASA-3177
POWELL LAURA KELLY	MASA-3187
REYES TASHINA	MASA-3173
RHODES SHAWN D	MASA-3202
SEWARD JACOB RAY	MASA-3185
SMITH KARIN MARIE	MASA-3179
SMITH WENDY	MASA-3174
STOREY MICHAEL RYAN	MASA-3151
TABOR TRESSA PEARL	MASA-3194
TURNER KATHLEEN A	MASA-3184
WAN KEYING	MASA-3165
WATERS TRACI LYNN	MASA-3154
XU YING	MASA-3139

It was seconded by Ms. Steen. Motion carried.

Ms. King made a motion to approve the following for licensure pending receipt of documents:

#901151262
 #901151137
 #901151343
 #901151242
 #901150755
 #901150770
 #901151850
 #901151499
 #901151929
 #901151886

It was seconded by Ms. Steen. Motion carried.

Ms. King made a motion to deny the following application due to lack of education germane to the practice of massage therapy:

PANYA HAHN THAWAI

MASA-3157

It was seconded by Ms. Steen. Motion carried.

Ms. King made a motion to approve the following for licensure pending receipt of documents and Board Chair review:

#901151897

#901151880

#901151211

#901151853

#901151905

#901151982

#901151721

It was seconded by Ms. Steen. Motion carried.

Ms. Steen made a motion to table the following applications pending the receipt of documents:

#901151961

It was seconded by Ms. King. Motion carried.

Ms. King made a motion to approve all endorsement files from California where the school is on the list to be reviewed. It was seconded by Ms. Steen. Motion carried.

CE COURSES

Ms. King made a motion to approve the following continuing education courses:

APOLLO CENTER OF ENLIGHTMENT

AROMA THERAPY - 3

HYDROTHERAPY - 3

MASSAGE CE SOLUTIONS

FACIAL FUSION MASSAGE - 4

TREATING THE FEET - 4

MASSAGE TOOLS TO HELP YOUR HANDS - 4

ETHICS - ROLES & BOUNDARIES - 4

CHINESE FACIAL MASSAGE & TMJ TECHNIQUES - 8
FIJIAN BAREFOOT MASSAGE TO GO - 4

It was seconded by Ms. Steen. Motion carried.

Ms. King made a motion to deny the following continuing education courses

MASSAGE CE SOLUTIONS
THE BEST INDIAN HEAD MASSAGE – 4
INDIAN HEAD MASSAGE FOR CHAIR & TABLE – 8

It was seconded by Ms. Steen. Motion carried.

ADJOURNMENT

Ms. King made a motion to adjourn the meeting at 5:00 PM MDT. It was seconded by Ms. Steen. Motion carried.

Paul J Weston, Chair

Gail L King

Carla Anne Steen

Linda A Chatburn

Deborah A Karren

Tana Cory, Bureau Chief